IN THE HIGH COURT OF ANDHRA PRADESH
AT HYDERABAD

W.P.No.26175 of 2000

Between:

1. B.Damodhar and others

..Petitioners

and

The Commissioner, MCH, Tankbund, Hyderabad.

..Respondent

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.26175 of 2000

Oral Order:

Petitioners, who jointly submitted proposals along with the plans to the respondent on 21-07-2000 for the construction of residential flats at the premises bearing Nos.1-2-687 to 695 situated Baqshiguda, Musheerbad, Hyderabad and made a representation dated 25-07-2000 requesting the respondent authorities to approve the plans and also to consider for eligibility for additional FSI in terms of G.O.Ms.No.483 M.A. dated 24-08-1998, filed this writ petition declaring the action of the respondent in not approving the plans submitted them as arbitrary, illegal and violative of Articles 14 and 300-A of the Constitution of India.

In response to Rule Nisi the Commissioner of Municipal Corporation of Hyderabad filed a counter stating that Government through Memo No.24205/11/99 Municipal Administration dated 21-05-2001 withdrew the draft variation for change of land use to the site in premises Nos.1-2-687 to 695 of Bakaram village and on withdrawing the draft variation the land in which the said premises is situated continues to fall within public/semi-public and partly recreational cemetery zone and as such no residential buildings can be constructed thereon. Therefore, the question of approval of the plans submitted by the petitioners for construction of residential buildings does not arise.

Learned counsel for the petitioners submits that in view of change of land use and withdrawing the draft variation issued earlier,

petitioners may be permitted to withdraw the writ petition with a liberty to challenge the Memo dated 21-05-2001. Permission is accorded.

The Writ Petition is accordingly dismissed reserving liberty to the petitioners to challenge the Government Memo No.24205/11/99 MA dated 21-05-2001. No costs.

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A.GOPAL REDDY, J.

25-07-2007

Murthy